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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,780	11/08/2001	Jane Dashevsky	ITL.0687US (P13046)	1349
21906	7590	10/23/2007	EXAMINER	
TROP PRUNER & HU, PC			GESESSE, TILAHUN	
1616 S. VOSS ROAD, SUITE 750				
HOUSTON, TX 77057-2631			ART UNIT	PAPER NUMBER
			2618	
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			10/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/005,780	DASHEVSKY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tilahun B. Gesesse	2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 August 2007.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 8/20/2007 have been fully considered but they are not persuasive.

On page 4, first paragraph of response to office correspondence , applicant argued that neither Phillips nor Leibu teaches in single or in combination what was originally set forth in claim 1.

The examiner disagrees. Phillips teaches a method for handling the system-wide state of a wireless device through the host controller interface firmware (see column 4, lines 37-45, column 3, lines 62-68 and figure 1, in which radio module host controller interface or HCI firmware (25) provides command interface and access to hardware status and control "system-wide" handling a uniform method of accessing the base-band capabilities; implements the HCI commands for the system hardware by accessing base band commands

Phillips teaches handling the state of each link with the device through the link controller carries out the base-band protocols (see column 4, lines 8-24), in which the link controller 20 carries out the base band protocols and other low level link routines including hardware and software parts that perform base band processing and managing physical layers protocols.

Further more, Leibu teaches wireless communication with link manager firmware (column 3, lines 5-32 and figure 3) in which base band firmware control section and link manager firmware and HCI firmware directly coupled in single module 47

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips ( US 6,748,195) in view of Leibu et al (US 6.772,048).

Claim 1,Phillips teaches a method for handling the system-wide state of a wireless device through the host controller interface firmware (see column 4, lines 37-45, column 3, lines 62-68 and figure 1, in which radio module host controller interface or HCI firmware (25) provides command interface and access to hardware status and control " system-wide" handling a uniform method of accessing the base-band capabilities; implements the HCI commands for the system hardware by accessing base band commands "directly".

Phillips teaches handling the state of each link with the device through the link controller carries out the base-band protocols (see column 4, lines 8-24) in which the HCI firmware 25 interface provides a uniform method of accessing the base band capabilities; implements the HCI commands for the system hardware by accessing base band commands.

Phillips does not teach link manger firmware. However, Leibu teaches wireless

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communication with link manager firmware (column 3, lines 5-32 and figure 3-4) in which the link controller 20 carries out the base band protocols and other low level link routines including hardware and software parts that perform base band processing and managing physical layers protocols.

one ordinary skill in the art would be motivated in interfacing soft wares such as HCI , link manager and base band , in order to eliminate the need for physical connection such as wire or cable connections between the controls and the device controlled, in stead wirelessly control mechanism.

it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify Phillips in controlling link of the communication device using link manager firmware, as evidenced by Leibu, for controlling the wireless device link operation.

Claim 2 Phillips teaches initiating communications with connection and link management (see column 4, lines 37-45, column 3, lines 62-68 and figure 1).

Claim 3, Phillips teaches establishing a connection between the device and end point (see column 4, lines 8-24 and figure 1).

Claim 4, Phillips teaches handling base band handshaking through the host controller interface firmware (column 4, lines 28-30 , HCI firmware 25, provides a uniform method of accessing the base-band capabilities).

Claim 5, Phillips teaches handling logical link connection through the link manager (see column 4, lines 8-24).

Claim 6. Phillips teaches an article comprising a medium storing instructions (306 of figure 3) that enable a processor-based system handling the system-wide state of a wireless device through the host controller interface firmware (see column 4, lines 37-45, column 3, lines 62-68 and figure 1, in which radio module host controller interface or HCI firmware (25) provides command interface and access to hardware status and control “system-wide” handling a uniform method of accessing the base-band capabilities; implements the HCI commands for the system hardware by accessing base band commands

Phillips teaches handling the state of each link with the device through the link controller carries out the base band protocols (see column 4, lines 8-24), in which the HCI firmware 25 interface provides a uniform method of accessing the base band capabilities; implements the HCI commands for the system hardware by accessing base band commands.

Phillips does not teach link manger firmware. However, Leibu teaches wireless communication with link manager firmware (column 3, lines 5-32 and figure 3-4).

One ordinary skill in the art would be motivated in interfacing soft wares such as HCI , link manager and base band , in order to eliminate the need for physical connection such as wire or cable connections between the controls and the device controlled, instead uses wirelessly control mechanism.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify Phillips in controlling link of the communication device

using link manager firmware, as evidenced by Leibu, for controlling the wireless device link operation.

Claim 7 Phillips teaches storing instructions (306 of figure 3) that enable the processor-based system to initiate communications with connection and link management (see column 4, lines 37-45, column 3, lines 62-68 and figure 1).

Claim 8 Phillips teaches storing instructions that enable the processor-based system to establish a connection between the device and an end point(see column 4, lines 8-24).

Claim 9 , Phillips teaches storing instructions that enable the processor-based system to handle base band handshaking through the host controller interface firmware (column 4, lines 28-30 , HCI firmware 25, provides a uniform method of accessing the base-band capabilities).

Claim10, Phillips teaches storing instructions that enable the processor-based system to handle logical link connection through the link manager see column 4, lines 8-24)..

Claim 11, Phillips teaches a wireless system comprising: a processor; and a storage coupled to the processor storing instructions that enable the processor handling the system-wide state of a wireless device through the host controller interface firmware (sees column 4, lines 37-45, column 3, lines 62-68 and figure 1, in which radio

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module host controller interface or HCI firmware (25) provides command interface and access to hardware status and control "system-wide" handling a uniform method of accessing the base-band capabilities; implements the HCI commands for the system hardware by accessing base band commands.

Phillips teaches handling the state of each link with the device through the link controller carries out the base band protocols (see column 4, lines 8-24) in which the HCI firmware 25 interface provides a uniform method of accessing the base band capabilities; implements the HCI commands for the system hardware by accessing base band commands.

Phillips does not teach link manger firmware. However, Leibu teaches wireless communication with link manager firmware (column 3, lines 5-32 and figure 3-4).

One ordinary skill in the art would be motivated in interfacing soft wares such as HCI , link manager and base band , in order to eliminate the need for physical connection such as wire or cable connection's between the controls and the device controlled , in stead wirelessly control mechanism.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify Phillips in controlling link of the communication device using link manager firmware, as evidenced by Leibu, for controlling the wireless device link operation.

Claim 12 , Phillips teaches the storage stores instructions that enable the

processor to initiate communications with connection and link management (see column 4, lines 37-45, column 3, lines 62-68 and figure 1)..

Claim 13, Phillips teaches the storage stores instructions that enable the processor to establish a connection between the system and a remote end point(see column 4, lines 8-24 and figure 1)..

Claim 14, Phillips teaches the storage stores instructions that enable the processor to handle base-band handshaking through the host controller interface firmware(column 4, lines 28-30, HCI firmware 25, provides a uniform method of accessing the base-band capabilities).

Claim 15, Phillips teaches the storage stores instructions that enable the processor to handle logical link connection through the link manager firmware sees column 4, lines 8-24).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TILAHUN GESESSE  
PRIMARY EXAMINER

10/21/07